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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,994	06/01/2001	Laurent Herrmann	PHFR 000059	3143

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER
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OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/872,994	<b>Applicant(s)</b> HERRMANN ET AL.	
	<b>Examiner</b> Ramy M. Osman	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. This communication is responsive to the amendment filed on April 25, 2005. Claims 1-8 are pending.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title "interactive processing system" is incorrect because the word "interactive" cannot be used to describe the invention (as mentioned in the previous rejection dated 3/9/2005).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant failed to mention "managing and controlling network resources" as claimed in claim 1 step (c), in the specification. It would require undue experimentation for one of ordinary skill in the art to determine the details of network resource managing and network resource

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controlling, since these terms were not mentioned in the specification. The word resources is not mentioned in the specification and has not been defined as “output bitrate” (as stated in applicants remarks dated 4/25/2005). If applicant wants to claim “output bitrate” then applicant must mention “output bitrate”.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “ready” in step a) makes the claim limitation grammatically incorrect and unclear. It is not clear whether the packets ‘*are readied*’, which implies further formatting; or if the packets ‘*are ready*’ which simply means at that point the packets are ready to be sent. (This rejection was also mentioned in the previous rejection dated 3/9/2005).

7. Claim 1 recites the limitation “the network resources” in line 9. There is insufficient antecedent basis for this limitation in the claim.

8. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “network resources” in claim 1 is used by the claim to mean “output bitrate” (as mentioned in applicants remarks, 4/25/2005), while the accepted meaning is “networking components and

peripheral devices.” The term is indefinite because the specification does not clearly redefine the term.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-8 rejected under 35 U.S.C. 102(e) as being anticipated by Grabelsky et al (US Patent No 6,678,250).

11. In reference to claim 1, Grabelsky teaches a processing system comprising at least a user terminal in a user location, a server coupled to said user terminal, a communication network, and an interface device located between said network and said user terminal, said interface device comprising:

(a) means for formatting incoming data received from said terminal into packets identified by headers and ready to be sent towards said network (column 4 lines 35-55 and column 6 lines 40-45, RTP packets inherently include headers);

(b) means for identifying packets received from the network and forwarding them to the terminal (column 2 lines 10-40 and column 4 lines 60-67);

(c) means for managing and controlling the network resources and handling a delivery monitoring service of said packets on the network according to said resources, comprising:

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a receiving stage for receiving incoming packets from the network (column 4 lines 63-67);

an analysis stage for analyzing the incoming packets (column 2 lines 10-40 and column 5 lines 35-57);

a statistical processing stage for computing statistics based on analysis provided by the analysis stage (column 2 lines 10-40, column 5 lines 35-57 and column 7 lines 1-55); and

a formatting stage for creating packets to be sent toward said network (column 4 lines 60-67 and column 6 lines 40-50).

12. In reference to claim 2, Grabelsky teaches the system of claim 1, wherein means for formatting incoming data into packets identified by headers is configured to:

format the incoming data into real-time protocol (RTP) packets; and send the RTP packets with RTP headers towards the network (column 4 lines 35-55 & 60-65 and column 6 lines 40-45).

13. In reference to claim 3, Grabelsky teaches the processing system of claim 1, wherein the means for identifying packets received from the network and forwarding them to the terminal is configured to: receive real-time protocol (RTP) packets from the network; and store data in view of the transmission to a current application running on terminal (column 4 lines 60-67 and column 6 lines 17-30).

14. In reference to claim 4, Grabelsky teach the processing system of claim 1, wherein the receiving stage receives real-time control protocol (RTCP) packets arriving from the network (column 5 line 65 – column 6 line 25).

15. In reference to claim 5, Grabelsky teach the processing system of claim 4, wherein the analysis stage analyzes the (RTCP) packets arriving from the network (column 5 lines 35-57).

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16. In reference to claim 6, Grabelsky teach the processing system of claim 5, wherein the statistics processing stage computes statistics when real-time protocol (RTP) packets are received from the network and when RTCP packets are received or sent (column 5 lines 35-57 and column 6 lines 1-25).

17. In reference to claim 7, Grabelsky teach the processing system of claim 6, wherein the statistics computed when real-time protocol (RTP) packets are received from the network comprise at least one of a number of RTCP packets received, packet loss, and delays (column 5 lines 35-57, column 7 lines 17-60 and column 10 lines 15-35).

18. In reference to claim 8, Grabelsky teach the processing system of claim 6, wherein the statistics computed when RTCP packets are receive or sent comprise an error rate (column 5 lines 35-57, column 7 lines 17-60 and column 10 lines 15-35).

### ***Response to Amendment***

19. Examiner acknowledges the amendment filed on April 25, 2005. Applicant amended claims 1-8.

### ***Response to Arguments***

20. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

21. Applicants arguments regarding point (A), in remarks filed 4/25/2005, are not persuasive. See 35 USC 112 rejections above.

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22. Applicants arguments regarding points (B) and (C), in remarks filed 4/25/2005, are persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
May 8, 2005

  
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